

COTTONWOOD HEIGHTS

RESOLUTION No. 2012-49

A RESOLUTION APPROVING AND RATIFYING A BID AND AWARDING A CONSTRUCTION CONTRACT TO BOWEN CONSTRUCTION CO. INC. (NANTUCKET DRIVE TRAFFIC CALMING PROJECT)

WHEREAS, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") met on 11 September 2012 to consider, among other things, (a) approving and ratifying the City's acceptance of a \$20,148 bid from Bowen Construction Co. Inc. ("*Contractor*") for the Nantucket Drive traffic calming project under the City's project no. CHC.259 (the "*Project*"); and (b) authorizing the City's entry into an agreement for such construction services (the "*Agreement*") with Contractor on such terms and conditions as may be approved by the City's mayor and manager in consultation with the City's director of public works, the City engineer and the City attorney, a draft copy of which is annexed as an exhibit hereto; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve and ratify the City's acceptance of Contractor's bid for the Project and to authorize the City's entry into the Agreement with Contractor as proposed;

NOW, THEREFORE, BE IT RESOLVED by the city council of Cottonwood Heights that the Council hereby (a) approves and ratifies the City's acceptance of Contractor's bid for the Project, and (b) authorizes the City's entry into the Agreement with Contractor on such terms and conditions as may be approved by the City's mayor and manager in consultation with the City's director of public works, the City engineer and the City attorney.

This Resolution, assigned no. 2012-49, shall take effect immediately upon passage.

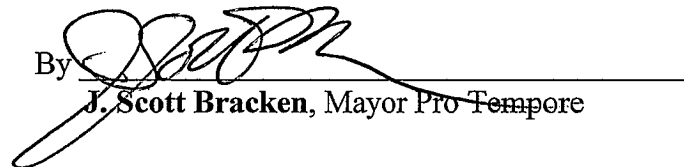
PASSED AND APPROVED this 11th day of September 2012.

COTTONWOOD HEIGHTS CITY COUNCIL




Linda W. Dunlavy, Recorder

By


J. Scott Bracken, Mayor Pro Tempore

VOTING:

Kelvyn H. Cullimore, Jr.	<i>Absent</i>
Michael L. Shelton	Yea <u>X</u> Nay <u> </u>
J. Scott Bracken	Yea <u>X</u> Nay <u> </u>
Michael J. Peterson	Yea <u>X</u> Nay <u> </u>
Tee W. Tyler	Yea <u>X</u> Nay <u> </u>

DEPOSITED in the office of the City Recorder this 11th day of September 2012.

RECORDED this day of September 2012.

584441.1

SECTION 00500

AGREEMENT

THIS AGREEMENT, made this 27th day of August, 2012, by and between the CITY OF COTTONWOOD HEIGHTS, hereinafter called "OWNER" and Bowen Construction doing business as Corporation, hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete construction of the "TRAFFIC CALMING PROJECT ON NANTUCKET DRIVE (2325 EAST), AT DOLPHIN WAY & NEWPORT WAY --- PROJECT # CHC.259"
2. The CONTRACTOR will furnish all of materials, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECTS described herein.
3. The CONTRACTOR will commence the WORK required by the CONTRACT DOCUMENTS within ten (10) calendar days; and will complete the same within FORTY-FIVE (45) calendar days; unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.
4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum as shown in the BID schedule.
5. The term "CONTRACT DOCUMENTS" means and includes the following:
 - (A) SECTION 00200 - INSTRUCTIONS TO BIDDERS
 - (B) SECTION 00250 - ADDITIONAL INSTRUCTIONS TO BIDDERS
 - (C) SECTION 00410 - BID
 - (D) SECTION 00420 - BID SCHEDULE
 - (E) SECTION 00500 - AGREEMENT
 - (F) SECTION 00510 - PAYMENT BOND (100 PERCENT)
 - (G) SECTION 00520 - PERFORMANCE BOND (100 PERCENT)
 - (H) SECTION 00530 - NOTICE OF AWARD
 - (I) SECTION 00540 - NOTICE TO PROCEED
 - (J) SECTION 00560 - CHANGE ORDER
 - (K) SECTION 00570 - NOTICE OF SUBSTANTIAL COMPLETION
 - (L) SECTION 00580 - NOTICE OF COMPLETION

- (M) GENERAL CONDITIONS
- (Q) SUPPLEMENTAL GENERAL CONDITIONS
- (R) SPECIFICATIONS prepared and issued by GILSON ENGINEERING, INC.
Consulting Engineers, dated MARCH, 2011.
- (S) DRAWINGS prepared by Gilson Engineering, Consulting Engineers
(See enumeration in Supplemental General Conditions)

6. The OWNER will pay to the CONTRACTOR, in the manner and at such times as set forth in the General Conditions, such amounts as required by the CONTRACT DOCUMENTS.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in five (5) copies, each of which shall be deemed an original on the date first above written.

OWNER:

CITY OF COTTONWOOD HEIGHTS

BY _____

NAME KELVYN CULLIMORE
(Please Type)

TITLE MAYOR

(SEAL)

ATTEST:

NAME LINDA DUNLAVY
(Please Type)

TITLE CITY RECORDER

CONTRACTOR:

Bowen Construction

BY John Bowen

NAME ~~Harold Archer~~ John Bowen
(Please Type)

ADDRESS 1120 W. 500 N. Centerville, UT 84014

(SEAL)

ATTEST:

Lisa Dyer
NAME Lisa Dyer
(Please Type)

TITLE Officer